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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,354	01/24/2000	Noriya Kobayashi	UCSD	7055

24978 7590 05/27/2005

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,354

Applicant(s)

KOBAYASHI ET AL.

Examiner

Kambiz Zand

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30, 32-46 and 48-55 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01/24/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 31 and 47 have been cancelled.
4. Claims 2, 30 and 45 have been amended.
5. Claims 1-30, 32-46 and 48-55 are pending.

Drawings

6. **Figures 1-3** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Fig.2 represent a floppy disk which is a prior art; fig.3 represent a CD-ROM which is a prior art; and further fig.1 represent a Ticket with dated material back to 1999 prior to filing of the application's invention in 2000.

Examiner suggests the content that Applicant claims as the invention, and which is stored on a CD-ROM or Floppy be present in the figures in order to distinguish over the prior art.

Corrections or clarification is requested.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. **Claims 1-30, 38-44, 46 and 48** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 8, 23, 24, 29 and 38 the "may", "may be", "is desired", "capable", "deliverable", "for" phrases makes the claims indefinite and unclear in that neither means/steps nor interrelationship of means/steps are set forth in these claims in order to achieve the desired results expressed in the above phrases.

In claim 30, the "wherein" phrases makes the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the "wherein..." phrases.

In claim 45 the “legitimacy” phrases makes the claims indefinite and unclear in that neither means/steps nor interrelationship of means/steps are set forth in these claims in order to achieve the desired results expressed in the above phrase.

In claims, the “wherein” phrases makes the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the “wherein...” phrases.

10. **Claims 2-7, 9-22, 25-28, 39-44, 46 and 48** are rejected as depending on the rejected independent claims above.

Examiner also considers the phrase such as “for the occurrence and thus to become a ticket consumer” (emphasize added) or similar phrases within the claims 1-30, 32-46 and 48-55 as only defining an action or a process or a method, which is only descriptive in nature with no patentability weight given.

Claim Rejections - 35 USC § 102

11. **Claims 38-46 and 51-55** are rejected under 35 U.S.C. 102(e) as being anticipated by Mengin et al (us2002/0095383 A1).

As per claims 38-46 and 51-55 please see the last office action as examiner maintain **the previous Examiner’s office action** in that regard. Applicant’s arguments on pages 13-15 of the response only gives Applicant’s interpretation of

the prior art Mengin et al. Examiner suggests applicant to be clear on what **limitations within the claims**, that Mengin do not teach and why.

Claim Rejections - 35 USC § 103

12. **Claims 8, 24, 30, 32-37, 48, 49 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen; and with respect to 48 in view of Mengin et al.

please see the last office action as examiner maintain **the previous Examiner's office action** in that regard. Applicant's arguments on pages 2-13 of the response only gives Applicant's interpretation of the prior art Rosen and Mengin et al.

Examiner suggests applicant to be clear on what **limitations within the claims**, that Rosen and Mengin do not teach and why.

Allowable Subject Matter

13. **Claims 1-7, 9-23 and 25-29** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571)

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272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

05/24/2005

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